



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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PHIL BREDESEN
Governor

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Commissioner

TO: Child Care Centers Providing Transportation

FROM: Anne F. Turner, Director of Licensing

DATE: March 18, 2005

SUBJECT: Important Notice of New Vehicle Alarm Rules

As you will recall, a state law passed last year that directs the Department to make rules which require all child care centers that provide transportation to have installed on their vehicles an alarm system that will prompt the child care staff to check the vehicle for children. Enclosed please find a copy of the notice of rulemaking for this amendment to **Chapter 1240-4-3 Licensure Rules for Child Care Centers Serving Pre-School Children**.

Public hearings on these amendments have been scheduled for the first week of May 2005. The details about the hearing times, dates, and locations can be found on the first page of the enclosed notice.

Please note that in an effort to save paper and reduce mailing costs, we did not include the signature pages of the notice (pages 3 & 4). We also did not include the notice of rulemaking for Chapter 1240-4-6, *Licensure Rules for Child Care Centers Serving School-Age Children*, because the content of the amendments for School-Age Centers is *exactly the same* as the Pre-School Center amendments. The full content of the amendments to both sets of rules and the notice details, however, are included on the enclosed pages. In addition, the full text of each notice for both Pre-School and School Age rules can be found on the web at: <http://www.state.tn.us/humanserv/rules.htm>.

If you are unable to attend the public hearings but would like to make any comments about this rule please mail or e-mail your written comments to:

Department of Human Services
Attn: David Shirk, Licensing, 14th Fl
Citizen's Plaza Bldg., 400 Deaderick St
Nashville, TN 37248
Or
David.Shirk@state.tn.us

Additional Information About The Rule:

When Does The Rule Become Effective?: State law requires the rule to be effective May 1, 2005. However, the Department understands that it takes time to have such a system installed, and in certain

areas of the state there may not be as many companies who can quickly install a system as are available in other parts of the state. Accordingly, the Department is extending a grace period for compliance with this requirement. *You should immediately start working toward having these systems installed, but you will not be cited for a licensing violation until after **August 1, 2005**.* If you need additional time contact your Licensing Evaluator or your Licensing Supervisor to request additional time – the Department will determine, on a case-by case basis, if additional time is needed *while the provider is making a good faith effort to take all reasonable steps to comply with this requirement.*

Where Do I Find These Vehicle Alarm Systems?: The rule requires that the Department “approve” the alarm system. During the time since the state law was passed requiring these systems the Department has been receiving and reviewing information from companies that make alarms. Attached you will find a list with contact information for those companies that appear to have alarms which comply with the requirements of the law. *Note that this list contains companies that appear to make an alarm that will meet the requirements of the statute – the Department can not endorse or recommend any particular company or product. **It is your responsibility to research the company and its products before making any purchases.***

Do These Requirements Apply to Contractors?: Yes. All child care center transportation that must be licensed and monitored by the Department is subject to this rule. Please remember that it is your responsibility to insure that everyone who provides transportation for your agency complies with all of the transportation rules.

Do These Requirements Apply to All of The Center’s Vehicles?: *No, the law sets out specific requirements as follows:*

- Alarms are only required on vehicles that are designed to carry **6 or more passengers**;
- Alarms are not required on vehicles in which all of the children are at least **5 years old and in kindergarten** and there are no special needs children who are *developmentally disabled, physically disabled, and/or non-ambulatory*;
- Alarms are not required on vehicles that are used *exclusively* for occasional field trips.

If you are unsure if one or all of your vehicles or your contractor’s vehicles require an alarm system contact your Licensing Evaluator or your Licensing Supervisor for assistance.

Do These Requirements Affect My Insurance?: The Department’s insurance rules remain unchanged. Some insurance companies, however, may provide a discount on insurance premiums for certain types of alarm systems on certain types of vehicles. The Department recommends that you contact your insurance agent *before* purchasing a system.

The Rule Requires That The Alarm Prompt My Staff to Check The Vehicle For Children. What Does The Word “Prompt” Mean?: Different systems use different methods for “prompting” the transportation staff to check the vehicle, and thus the exact method will depend upon the system that your agency chooses to install. One system may have an audible alarm that immediately sounds and requires the driver or monitor to walk to the back of the vehicle to turn it off. Other systems may have timers that are activated when the vehicle is turned off, may have motion detectors, or may have a combination of these different prompts.

The intent of the statute is that the alarm system will provide an extra reminder to walk through the vehicle and check for children. This extra reminder is designed to help lower the risk that a child will be left on the vehicle. The Department’s rules already require the staff to use a transportation log and walk through the vehicle – thus the intent of the statute is that the vehicle alarm will provide a prompt that exceeds the Department’s current transportation rules.

In order to “prompt” the staff to check the vehicle:

- The system should activate automatically (e.g., the system should not require an individual to take extra steps to activate it each day or before every vehicle run). The “alarm trigger” may be ignition-based, may be based upon a motion sensor system, etc. – but regardless of the system type the trigger must be automatic.
- The system should provide a visual or auditory alarm that requires an individual to take some action to de-activate the alarm. For example, hanging a “check the van” sign on the mirror acts as a reminder, but it does not require an individual to take any action to “turn off the sign”; thus, it does not “prompt” the staff to check the vehicle as intended by the statute.
- The action that the system requires should cause the staff to actually check the vehicle. For example, if the alarm can be de-activated simply by turning off the engine the system does not “prompt” the individual to take any additional actions to check the vehicle for children. If instead the system requires an individual to walk through the vehicle or check the seats in order to de-activate it then the system requires an action that “prompts” the individual to check the vehicle for children.

Note that the word “de-activate” can mean, depending upon the system, turning the alarm off *before* it is triggered (for example, in order to prevent the alarm from beginning to sound), or it could mean turning the alarm off *after* it is triggered (for example, in order to turn off a beeping sound). Either system is acceptable as long as the system: (1) will automatically activate and (2) will require some additional act to check the vehicle in order to turn the alarm off.

The companies on the attached list appear to make alarms which meet these requirements. Again, however, the Department cannot guarantee that any particular product, once installed, will actually meet all of the requirements of the law. ***We strongly recommend that you not only research the company before you make any purchases, but that you also insure that your purchase includes support from the company for the proper installation, maintenance and use of the system.***

If you find any products or companies on the Department’s alarm list that you believe do *not* meet the requirements of the law please immediately contact your Licensing Evaluator or Licensing Supervisor.

Finally, if you are unsure about how these requirements apply to your agency’s or your contractor’s vehicles, or you are otherwise unsure about how to comply with these requirements, please contact your Licensing Evaluator or your Licensing Supervisor.

VEHICLE ALARM SYSTEM APPROVAL LIST ON THE BACK OF THIS PAGE

Note: The vehicle alarm system approval list will also be added to the Department’s website soon. The list will be updated, as we become aware of additional systems that appear to meet the requirements of the law/rule.